

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT

Type of Case: Personal Injury

Court File No. _____

David A Erickson,

Plaintiff,

v.

SUMMONS

Menard, Inc.,

Defendant.

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no Court file number on this Summons.

2. **YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a **written response** called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at Milavetz Law, P.A., 1915 - 57th Avenue North, Brooklyn Center, MN 55430.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

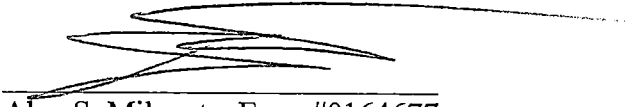
4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THE SUMMONS.** If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A Default Judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE:** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

MILAVETZ LAW, P.A.

Dated: March 28, 2022



Alan S. Milavetz, Esq., #0164677
Attorneys for Plaintiff
1915 - 57th Avenue North
Brooklyn Center, MN 55430
Telephone: (763) 560-0000
Facsimile: (763) 566-0211
amilavetz@milavetzlaw.com

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT

Type of Case: Personal Injury

Court File No. _____

David A. Erickson,

Plaintiff,

v.

COMPLAINT

Menard, Inc.,

Defendant.

TO: DEFENDANT ABOVE-NAMED:

Plaintiff, for his cause of action against the Defendant states and alleges as follows:

I.

That at all times mentioned herein, Plaintiff resided in the City of Cottage Grove, County of Washington, State of Minnesota.

II.

That at all times mentioned herein, the Menard, Inc operated and owned a store located at 9000 E Point Douglas Lane S, Cottage Grove, County of Washington, State of Minnesota.

III.

That on July 23, 2020, at approximately 1130 a.m., Plaintiff went to the above described Menard, Inc. Store in Cottage Grove to buy a rake. Plaintiff was shopping in the aisle where the gardening tools were displayed and as he was examining rakes, an employee of Defendant who was operating a forklift, was in the aisle next to Plaintiff, and was carelessly and negligently loading pallets. The forklift operator negligently knocked over a wheelbarrow onto the Plaintiff.

IV.

That at all times mentioned herein, Defendant Menard, Inc. had common law and statutory duties, as the owner or occupier of its commercial premises, to maintain its property in a safe condition, and to correct and warn of dangerous conditions on the property, including on safely loading pallets.

V.

That at all times mentioned herein, Defendant Menard, Inc. had common law and statutory duties as the owner or occupier of its commercial premises, to properly train its employees so as to operate necessary equipment and erect warnings and barriers to customers from being in areas of the store where forklifts and other heavy equipment were being operated.

VI.

That at all times mentioned herein, Defendant Menard, Inc. failed to maintain a safe store, failed to properly train and instruct its employees and failed to warn and or guard against dangerous conditions on its property.

VII.

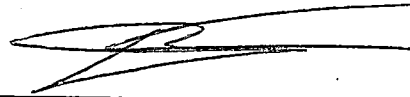
Defendant Menard, Inc. breached its duty to operate its place of business in a safe manner. As a direct and proximate result of said breaches and violations, Plaintiff David Erickson sustained serious and permanent injuries, including, but not limited to, neck pain, low back, headaches, and a significant gash on his foot., and will incur, medical expenses for treatment, and has suffered, and will suffer, physical pain, mental distress, and a diminished capacity to enjoy life. Plaintiff may in the future incur a loss of wages and suffer emotional distress.

WHEREFORE, Plaintiff prays for judgment against Defendant in an amount in excess of \$50,000.00, together with interest from the date of injury, costs, disbursements, and such other

and further relief as the Court may deem just and proper.

MILAVETZ LAW, P.A.

Dated: March 28, 2022

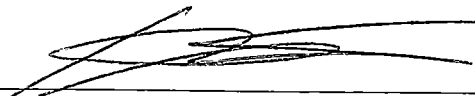


Alan S. Milavetz, Esq., #0164677
Attorneys for Plaintiff
1915 - 57th Avenue North
Brooklyn Center, MN 55430
Telephone: (763) 560-0000
Facsimile: (763) 566-0211
amilavetz@milavetzlaw.com

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to Minnesota Statutes § 549.211.

MILAVETZ, GALLOP & MILAVETZ, P.A.

Dated: March 28, 2022



Alan S. Milavetz, Esq., #0164677
Attorneys for Plaintiff
1915 - 57th Avenue North
Brooklyn Center, MN 55430
Telephone: (763) 560-0000
Facsimile: (763) 566-0211
amilavetz@milavetzlaw.com